

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 348
 (H) Publish Date: 2/27/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to violations of BRU Legal and Advocacy Services
domestic violence protective orders." Component Public Defender Agency
 Sponsor Rep. Croft
 Requester (H) Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Barbara Brink, Director Phone (907) 334-4416
 Division Public Defender Agency Date/Time 2/22/02 5:27 PM
 Approved by: Jim Duncan, Commissioner Date 2/22/2002
 Agency Department of Administration

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**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

BILL NO. HB 348 - FN#1

ANALYSIS CONTINUATION

This legislation would amend the class A misdemeanor crime of violating a protective order to clarify the culpable mental state required for the defendant's degree of awareness that his or her conduct would violate the protective order. The statute, as written currently, is ambiguous as to that necessary culpable mental state. The Court of Appeals interpreted the statute in Strane v. State, 16 P.3d 745 (Alaska App. 2001) to require the culpable mental state of "knowingly" to apply both to the conduct and with respect to the circumstance that their conduct violated the protective order. This bill would require that the defendant act "with reckless disregard" that the act violates or would violate the protective order.

The Public Defender Agency does not anticipate that this bill would have a fiscal impact on it. The Agency is already appointed to cases of this nature and clarifying the culpable mental state in the statute should not significantly change that caseload.